

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TONY CAMPBELL,

Plaintiff,

2:05-cv-0711-GEB-DAD-P

vs.

S. SMILEY,

Defendant.

ORDER

_____/

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On September 1, 2005, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within twenty days. Plaintiff has filed objections to the findings and recommendations.

1 In accordance with the provisions of 28 U.S.C.
2 § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a
3 de novo review of this case. Having carefully reviewed the
4 entire file, the court finds the findings and recommendations to
5 be supported by the record and by proper analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. The findings and recommendations filed September 1,
8 2005, are adopted in full; and

9 2. This action is dismissed on the grounds that
10 plaintiff's claims are legally frivolous and fail to state a
11 claim upon which relief can be granted.

12 Dated: September 28, 2005

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14 /s/ Garland E. Burrell, Jr.
15 GARLAND E. BURRELL, JR.
16 United States District Judge
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